

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN DIEGO COUNTY MENTAL
HEALTH.

OAH CASE NO. 2010100004

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On September 30, 2010, Student filed a Due Process Hearing Request (complaint), naming Poway Unified School District (District) and Sand Diego County Mental Health (CMH) as respondents. On November 8, 2010, Student dismissed District as a party and filed a motion to amend the complaint as to CMH only. CMH did not timely file an opposition to the motion to amend.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i)(II).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(f)(1)(B).)

The motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order. All current dates are vacated. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Dated: November 15, 2010

/s/

RICHARD T. BREEN
Administrative Law Judge
Office of Administrative Hearings